

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joe Thornblad,

Petitioner,

v.

Civil No. 10-4154 (JNE/SER)
ORDER

Commissioner of Human Services
Cal Ludeman,

Respondent.

In a Report and Recommendation dated October 20, 2010, the Honorable Susan Richard Nelson, former United States Magistrate Judge and now United States District Judge, recommended that Joe Thornblad's petition for habeas corpus be dismissed and that his application for leave to proceed in forma pauperis be denied. Prior to the Court's review of the Report and Recommendation, Thornblad filed a notice of appeal with the Eighth Circuit Court of Appeals.¹ The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, and construing Thornblad's notice of appeal as an objection, the Court adopts the Report and Recommendation [Docket No. 3]. Therefore, IT IS ORDERED THAT:

1. Thornblad's petition for a writ of habeas corpus [Docket No. 1] is **DISMISSED**.
2. Thornblad's application for leave to proceed in forma pauperis [Docket No. 2] is **DENIED**.
3. Thornblad is not entitled to a certificate of appealability.

Dated: March 7, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge

¹ The Eighth Circuit dismissed the appeal for lack of jurisdiction on January 18, 2011. The formal mandate issued on February 8, 2011.